

1 training as an evidence technician from
2 Lieutenant James Lenk?

3 A. Yes.

4 Q. He, you know, to be a lieutenant in charge of the
5 Detective Unit within the Operations Division?

6 A. Yes, sir.

7 Q. Are there more than one lieutenant in the
8 Detective Unit?

9 A. No, sir.

10 Q. So he's the chief detective, in fact, of
11 Manitowoc County?

12 A. Yes, sir.

13 Q. Within the Sheriff's Department. He was involved
14 in training you as an evidence technician?

15 A. I am not exactly sure how to answer that without
16 elaborating somewhat.

17 Q. Well, let's start with a yes or a no.

18 A. Yes, he has given me training material during the
19 course of my career.

20 Q. Okay. And has he given you anything more formal
21 than that; in other words, I'm going to let you
22 elaborate here, but we'll do this in a question
23 and answer format.

24 A. Lieutenant Lenk personally hasn't trained me on
25 any specific issue. We would have semi-annual,



1 or sometimes quarterly meetings, of all the
2 evidence techs, where Lieutenant Lenk might
3 present some new information or somebody who had
4 recently gone to training might present some new
5 information. But Lieutenant Lenk never took me
6 one-on-one and trained me in any sort of specific
7 application of being an evidence technician.

8 Q. But you have sort of in house, in service,
9 programs --

10 A. Yes, sir.

11 Q. -- if you will? Sharing information on new
12 techniques or new teaching?

13 A. Yes, sir.

14 Q. Sometimes that comes from Lieutenant Lenk?

15 A. Yes, sir.

16 Q. Other times he may simply be involved in
17 overseeing the meeting?

18 A. Yes, sir.

19 Q. You have known Lieutenant Lenk, personally, how
20 long?

21 A. Since 1996, so 10, 11 years.

22 Q. Was it '96 that you actually became a sworn
23 officer?

24 A. Yes, sir.

25 Q. And if I understood you, the period as a

1 corrections officer in the Manitowoc County Jail
2 was '92 to '94?

3 A. '92 to '96.

4 Q. I'm sorry, then I misunderstood you. You went
5 directly from the jail to the recruit academy and
6 then as a sworn officer?

7 A. Yes, sir.

8 Q. It was 1996, then, when you joined the department
9 as a sworn officer, that you met the man who is
10 now Lieutenant Lenk?

11 A. Yes, sir.

12 Q. He, at that time, was also in the road unit or
13 the Road Patrol Unit?

14 A. Yes, sir.

15 Q. You became friendly with Lieutenant Lenk?

16 A. Yes.

17 Q. Let's call him James Lenk and not worry about his
18 rank, at any given time, all right. Do you call
19 him Jim?

20 A. Yes, I do.

21 Q. You worked closely with him for several years?

22 A. Yes. I have worked with him several times, yes.

23 Q. He is one of the people on the department to whom
24 you feel personally close?

25 A. We don't do anything together socially, but I

1 Q. You were aware that it was found, without its
2 license plates?
3 A. Yes, sir.
4 Q. You are aware that the license plates weren't
5 reported found until November 8, 2005?
6 A. Yes, sir.
7 Q. Now, you spent a good bit of your time, your
8 working hours at least, between November 5 and
9 November 9, at the Avery salvage property.
10 A. Yes, sir.
11 Q. You were asked on direct examination if you
12 remembered when you first arrived on Saturday,
13 November 5, at that property; do you recall that?
14 A. Yes, sir.
15 Q. And if I heard you correctly, which you said is
16 you thought somewhere between 5 and 5:15?
17 A. That's what I thought, yes.
18 Q. Is that your recollection as you sit here now?
19 A. Yes.
20 Q. Okay. Now, that's a question that you have been
21 asked at a prior hearing in this case, correct?
22 A. Yes.
23 Q. Back on August 9, 2006, you testified at a
24 hearing?
25 A. Yes.

1 ATTORNEY STRANG: Page 42, counsel.

2 Q. (By Attorney Strang)~ And on August 9, 2006, you
3 were asked the following question and gave this
4 answer?

5 QUESTION: Okay. Now, moving onto
6 Saturday, November 5th, did you -- can you tell
7 me what time you arrived at the Avery property?

8 And your answer was:

9 ANSWER: Sometime between 6 and 6:30, in
10 the evening.

11 And I will show you the transcript. Is
12 that the question you were asked and the answer
13 you gave on August 9?

14 A. Yes, it is.

15 Q. Now, since then, you have had a chance to get
16 prepared to testify for this trial?

17 A. Yes, sir.

18 Q. One of the things you have had the benefit of
19 doing is sitting down with the gentleman to my
20 right, at the prosecution table?

21 A. Yes, sir.

22 Q. And they ran through some of the areas they
23 expected to cover with you in your testimony?

24 A. Yes, sir.

25 Q. You did not have the benefit of doing that on, or

1 shortly before, August 9, 2006?

2 A. Yes, I did. Actually, we did it on 6/29/06, the
3 date you previously mentioned.

4 Q. Okay. Five or six weeks earlier?

5 A. Yes, sir.

6 Q. Specifically, have you had a chance, though,
7 since August 9, to look at the log sheet for
8 November 5, 2005, at the Avery property?

9 A. I have not.

10 Q. How is it that your memory improved or changed
11 and that you now think it was between 5 and 5:15
12 that you arrived, not 6 or 6:30?

13 A. I -- I don't know. I did review my time cards
14 for that pay period and I saw what time I went on
15 duty, so I -- when I answered Mr. Kratz's
16 question, I didn't think it would have taken me
17 from 6 or 6:30 to get there.

18 Q. Okay. So it's not so much that you actually
19 remember now, it's just that you have spent some
20 time trying to reconstruct time from your house
21 and when you got the call and what your time
22 records show?

23 A. Yes.

24 Q. Okay. And we have got Exhibit 142 in evidence
25 and I would say today you did pretty well. I

1 will show you Exhibit 142. I have got it open to
2 the page where I think you will find yourself
3 signing in; is that right?

4 A. Yes, sir.

5 Q. 5:12 p.m.?

6 A. Yes, sir.

7 Q. That would be the sign in out by the Command
8 Post, true?

9 A. I don't know. I -- I have never seen this form
10 before today. That's what it looks like.

11 Q. Well, the question really is, where do you
12 remember logging in?

13 A. I thought we logged in out by Avery Road and 147,
14 but if you say it's by the Command Post, that
15 could be.

16 Q. No, no, no, I wasn't there. Avery Road and 147,
17 in other words, even farther out from the Command
18 Post?

19 A. Yes, sir.

20 Q. To get anywhere near the property you had to log
21 in?

22 A. Yes, sir.

23 Q. All right. 5:12 p.m. you log in?

24 A. Yes, sir.

25 Q. Do you recall, now, whether Lieutenant James Lenk

1 was there when you arrived, on November 5?

2 A. I don't know if he was there or came later. I
3 don't know.

4 Q. Okay. And you do know that you logged out with
5 him and with Detective Remiker that evening; do
6 you recall that?

7 A. Yes, sir.

8 Q. And, indeed, we can see that if you flip forward
9 a couple three pages, can you find where you have
10 logged out, on Exhibit 142?

11 A. Yes, sir.

12 Q. The three of you, Lenk, Colborn, Remiker log out
13 another 10:41 p.m.?

14 A. Yes, sir.

15 Q. Now, you were, as I say, spending most of your
16 working hours out there, somewhere on the Avery
17 property, from November 5 through at least
18 November 9?

19 A. Yes, sir.

20 Q. You -- As you told us already, you went into
21 Steven Avery's trailer a number of different
22 times during those several days?

23 A. Yes, sir.

24 Q. You said on direct examination that, you know, at
25 least initially, you still viewed this as a

1 missing persons case?

2 A. Yes, sir.

3 Q. You also knew that by the time you entered
4 Mr. Avery's trailer at 7:30 on Saturday,
5 November 5, you were doing so with a search
6 warrant?

7 A. Yes.

8 Q. A search warrant in which a fellow law
9 enforcement officer had sworn that you were
10 looking for evidence of murder, among other
11 things?

12 A. I didn't know what the content of the search
13 warrant was or how they obtained it.

14 Q. Search warrants, though, you do know, are used in
15 criminal investigations?

16 A. Yes, sir.

17 Q. Not in missing person investigations?

18 A. I can't really answer that. I could imagine the
19 Court would give a search warrant for a missing
20 person if we could prove probable cause that that
21 missing person was at a certain spot.

22 Q. Isn't a search warrant ordinarily used --

23 A. Yes, it is.

24 Q. -- when there is probable cause to believe you
25 will find evidence of a crime?

1 A. Yes, it is.

2 Q. All right. And you were looking for evidence of
3 a crime, beginning on the evening of November 5,
4 true?

5 A. Yes, sir.

6 Q. One of the things you do, as an evidence
7 technician, is you wear latex gloves, just like
8 those that Mr. Wiegert had on earlier, when you
9 searched someone's home, or garage, or whatever
10 it is?

11 A. Yes, sir.

12 Q. You wear those, everybody involved, every law
13 enforcement officer involved in the search wears
14 them?

15 A. Yes, sir.

16 Q. That way you can't leave your own fingerprints at
17 the scene or on evidence?

18 A. Yes, sir.

19 Q. And in theory, you shouldn't be leaving your own
20 DNA on the scene or on evidence?

21 A. Correct, sir.

22 Q. So you're in the house on November 5, November 6,
23 November 7, November 8, true?

24 A. Yes, sir.

25 Q. And, finally, on November 8, Mr. Kratz asked you,

1 were you doing a thorough search of the master
2 bedroom of Mr. Avery's trailer; do you remember
3 that?

4 A. Yes.

5 Q. Now, that thorough search, had you working on the
6 bookcase and on the desk?

7 A. Yes, sir.

8 Q. You described yourself as being, I think you said
9 none too gentle?

10 A. That's true.

11 Q. With the bookcase. And explained, I wasn't any
12 too gentle, as we were getting exasperated?

13 A. Yes, sir.

14 Q. What was exasperating you about the bookcase, or
15 that bedroom, on November 8, 2005?

16 A. The content of the material that we were
17 collecting.

18 Q. So you felt exasperated and that caused you to
19 take it out on the bookcase?

20 A. Didn't exactly take it out on the bookcase, it
21 just caused us to not be gentle in the handling
22 of the material.

23 Q. You were back in again on November 9, I don't
24 know that you covered that on direct, but you
25 actually were back into Mr. Avery's trailer,

1 briefly, on November 9, to look for a garage door
2 opener?

3 A. Yes, sir.

4 Q. That was also with Lieutenant Lenk, correct?

5 A. And a Calumet County deputy, yes, sir.

6 Q. Named Wendling, Deputy Wendling?

7 A. Yes, sir.

8 Q. From Calumet County? There was no time that you
9 went in Mr. Avery's home during November of 2005
10 when you were not also with Lieutenant Lenk?

11 A. Not that I recall.

12 Q. No time you went into Mr. Avery's garage when
13 Lieutenant Lenk was not also with you?

14 A. Not that I recall, no, sir.

15 Q. This case, you would describe as the largest
16 investigation in which you personally had
17 participated as a law enforcement officer?

18 A. Yes, sir.

19 Q. Some of the lengthiest searches, if we take
20 November 5 through November 9 as a whole, in
21 which you have participated?

22 A. Yes, sir.

23 Q. Led to very serious charges against Mr. Avery?

24 A. Yes, sir.

25 Q. You now know that the law enforcement agencies

1 involved, principally Calumet County Sheriff's
2 Department and the Division of Criminal
3 Investigation, have generated hundreds or
4 thousands of pages of police reports?

5 A. Yes, sir.

6 Q. Your total contribution to those reports, is
7 what, a little bit under half a page, as of
8 November 8, 2005?

9 A. That's correct, sir.

10 Q. And then about another page as of June 29, 2006?

11 A. Correct.

12 Q. The report that you filed on, or shortly after,
13 November 8, 2005, makes no mention of the Toyota
14 key?

15 A. That's correct, sir.

16 Q. Would you like to see it?

17 A. No, I believe you.

18 Q. In fact, the only thing you discuss in your
19 report is that on November 8, 2005, you were
20 using these cotton swabs, about which we have all
21 heard a lot, and distilled water, to collect some
22 blood spots in the bathroom and laundry room of
23 Mr. Avery's trailer?

24 A. Yes, sir.

25 Q. Were there things that you did not want to commit

1 to paper, in a report?

2 A. No, sir.

3 Q. And it all began, I guess, your involvement in
4 this investigation began, that Thursday night,
5 November 3, 2005?

6 A. Yes, sir.

7 Q. And that's the -- that's the report that we
8 established you wrote more than 7, nearly 8
9 months later?

10 A. Yes, sir.

11 Q. That is, it was almost 8 months after that
12 conversation with Steven Avery, the first
13 conversation with him in this investigation, that
14 you wrote down what you say he said to you, back
15 on November 3?

16 A. Yes, sir.

17 Q. Did you have any rough notes, note pad, anything
18 to work off when you wrote that report in the
19 heat of June, 2006?

20 A. No, I did not, sir.

21 Q. Well, about 8 months, but then, again, while
22 we're on Steven Avery and your reports about him,
23 that phone call, the phone call you took way back
24 in 1994 or 1995, when you were working in the
25 jail, the phone call where a detective from

1 another law enforcement agency told you you may
2 have the wrong guy in jail, that one?

3 A. Yes, sir.

4 Q. Did you ever write a report about that?

5 A. No, sir.

6 Q. Well, actually you did, didn't you? It was about
7 8 years later, wasn't it?

8 A. I wrote a statement on it, yes, sir.

9 Q. You wrote a statement after Sheriff Peterson
10 suggested that maybe you should?

11 A. Yes, sir.

12 Q. You wrote that statement, in 2003, about the 1994
13 or 1995 telephone call?

14 A. Yes.

15 Q. You wrote that statement in 2003, the day after
16 Steven Avery finally walked out of prison, didn't
17 you?

18 A. I don't know what day Steve was released from
19 prison, but I wrote the statement in 2003.

20 Q. September 12, 2003 sound right?

21 A. I said, I don't know the date that I wrote the
22 statement, but I know it was in 2003.

23 Q. Well, I think I do know the date you wrote it and
24 I'm a happy to show it to you.

25 ATTORNEY STRANG: I will mark it for

1 identification.

2 (Exhibit No. 213 marked for identification.)

3 Q. (By Attorney Strang)~ What do you know as

4 Exhibit 213?

5 A. That's the statement I wrote after speaking with

6 Detect -- or Sheriff Peterson.

7 Q. What's the date of your statement?

8 A. September 12, 2003.

9 Q. Do you remember that now as the day after Steven

10 Avery finally walked out a free man?

11 A. Sir, I already said I didn't know what day he got

12 released.

13 ATTORNEY STRANG: That's all I have.

14 THE COURT: Mr. Kratz.

15 ATTORNEY KRATZ: I do have a issue outside

16 the presence of the jury, Judge. I ask that I be

17 able to be heard.

18 THE COURT: All right. At this time we'll

19 excuse the jurors for a few minutes.

20 (Jury not present.)

21 ATTORNEY KRATZ: I think the witness should

22 be excused as well.

23 THE COURT: All right. Mr. Colborn, you

24 may step outside. Mr. Kratz.

25 (Witness not present.)

1 ATTORNEY KRATZ: Thank you, Judge. As this
2 Court may know, this was a cross-examination which
3 was much anticipated. It was the subject of a great
4 deal of pre-trial litigation. It was the point in
5 the trial where the defense had represented to this
6 Court, in something that's called an offer of proof,
7 which is a lawyer's obligation, at least as this
8 Court presented it to the defense, to tell the Court
9 what the defense intended to show at trial.

10 When submitting the defense theory of
11 the case, in response to the State's motion to
12 exclude evidence of blood vial, of planting
13 evidence, the defense, in their offer of proof,
14 told this Court, promised this Court, that the
15 defense would -- with evidence, would show that
16 this witness, Mr. Colborn, or the next witness,
17 Mr. Lenk, somehow obtained a vial of blood from
18 the Clerk of Court's Office in Manitowoc County
19 and planted that evidence, or planted that blood
20 in Teresa Halbach's SUV.

21 Now, we have had heard Mr. Strang's
22 opening statement where planted evidence has been
23 eluded to. We have heard cross-examination of
24 other law enforcement witnesses, by Mr. Buting,
25 specifically, where he asked whether those

1 officers expected that their superiors would be
2 planting evidence in this case.

3 But now, when it would logically come up
4 in trial, now when evidence would logically be
5 presented, or when the very witness in the
6 defense offer of proof comes before this Court
7 and is able to be asked regarding sneaking into
8 the Clerk's Office, or stealing a vial of blood,
9 or planting evidence, we hear nothing.

10 And despite the contamination by the
11 defense throughout the entire jury selection
12 process, which this Court I think can take
13 judicial notice of, you heard all the questioning
14 about the vial of blood in the Clerk's Office in
15 jury selection, you heard the contamination in
16 press releases, you heard the contamination in
17 opening statements.

18 Now, for the first time, when evidence
19 should be placed into -- into the record, or at
20 least placed into this particular case, we hear
21 nothing. And so, Judge, I'm asking for
22 alternative direction, or rulings from the Court,
23 first, if the defense is abandoning their
24 planting evidence theory. The State needs to
25 know that and we need to know that now.

1 Because there shouldn't be any more --
2 any more questions of, are you friends with
3 Mr. Lenk, or any questions of any other witnesses
4 about a planting or about blood vials, if they
5 intend not to honor their offer of proof, if the
6 defense now intends not to, as they told this
7 Court in response to the State's motion to
8 exclude this very evidence, that they would prove
9 that evidence from the Clerk's Office, by way of
10 vial of blood would be brought into this case.

11 If they do, in fact, that is, if the
12 defense does in fact intend to abandon that
13 defense, then I will be asking for curative
14 instructions of this jury, at this time, that up
15 to this point in the trial they should disregard
16 Mr. Strang's opening statement, when he talked
17 about further evidence of planting evidence, of
18 any other witnesses that have been asked about
19 planting evidence, or any reference at all to
20 blood vial type evidence.

21 If, in fact, I'm mistaken, if I am
22 jumping the gun, if you will, if this is all
23 going to be Lieutenant Lenk now, rather than
24 Sergeant Colborn, then I am happy to be the first
25 one to stand corrected. But, if this defense is

1 going to be abandoned, before I redirect this
2 particular witness, the State is entitled to that
3 ruling and we're entitled to that information.

4 THE COURT: Mr. Strang.

5 ATTORNEY STRANG: I will stand on the
6 written materials we made, we tendered to the Court
7 and filed, with respect to a proffer of evidence and
8 reasonable inferences from evidence as to the blood
9 vial. I will stand on the transcript that our
10 capable court reporter has made of my opening
11 statement and simply note that, while he means no
12 inaccuracy and he is simply trying to give the Court
13 a summary, Mr. Kratz's description of our written
14 materials and my opening statement are not exactly
15 correct, and I will simply stand on them rather than
16 characterize them.

17 Second, just by the by, we haven't
18 gotten to the defense case-in-chief yet at all.
19 We're in the prosecution case-in-chief. So all
20 of this, at some level, would be wildly
21 premature. But, beyond that, to confront it most
22 directly, I'm idealistic. I'm certainly naive at
23 times. I am not so naive to think that someone
24 who may have planted blood evidence, who may have
25 been involved in planting a key, would come into

1 this courtroom, and simply, because asked under
2 oath, did you do it, say, oh, yes, I did it. We
3 are not going to have a *Perry Mason* moment here.

4 We will at some point have to establish
5 the existence of the blood vial in the Clerk's
6 Office and its state of being there so to speak.
7 And that could be done in the defense
8 case-in-chief; it could be done on
9 cross-examination in the State's case-in-chief,
10 if the opportunity should present itself with an
11 appropriate witness.

12 But I do not expect anyone, Lieutenant
13 Lenk, Sergeant Colborn, anyone else, to make an
14 admission, that you would see in the *Perry Mason*
15 show, on the witness stand. And the suggestion
16 that we should be held to getting one from such a
17 witness is preposterous. This jury will be
18 asked, in the end, by both sides, to rely on
19 reasonable inferences and common sense and on all
20 of the evidence.

21 So I don't think there's any relief to
22 be granted at the moment and there's no point in
23 discussing now what reasonable inferences may be
24 available at this point, since neither the jury
25 nor the parties know what the whole of the

1 evidence will be when the evidence is closed.

2 THE COURT: Mr. Kratz, anything else?

3 ATTORNEY KRATZ: Just -- I'm sure, Judge,
4 just one moment, if I could. I appreciate
5 Mr. Strang's response, Judge. And when Mr. Strang,
6 and I believe I wrote these words down correctly, we
7 will establish the blood vial in the Clerk's Office,
8 perhaps not through these witnesses; but it is, what
9 I have heard, that they are not abandoning that
10 defense.

11 That was my concern, because there's
12 nothing that requires Mr. Strang or Mr. Buting to
13 keep planting these little nuggets, if you will,
14 and then when the defense part comes, from them
15 saying, defense rests, or saying, now we have
16 abandoned it, when there is further contamination
17 of the jury.

18 That's our concern, Judge. We're able
19 to meet this defense and we intend to meet this
20 defense. But we have to do that in good faith
21 reliance, upon pre-trial rulings of this Court,
22 by pre-trial representations by the defense as to
23 where this trial is going, so that we don't
24 interrupt the flow of this case.

25 I don't want to object every time I hear

1 the word planting. I don't want to object every
2 time I hear the word, are you friends with
3 Lieutenant Lenk, or anything that might go down
4 that road. In fact, the defense intends to, as
5 their offer of proof, indicates to prove that up
6 at some point, or to embrace that as one of their
7 defenses.

8 And I know that's a clumsy term, and
9 with my apology to Mr. Strang, but I still
10 believe that we're entitled to know that. We're
11 entitled at some point, before there is further
12 contamination, if in fact this defense is going
13 to be abandoned at some point, the State is
14 entitled to know that. That was my point in
15 putting it on the record at this very moment,
16 before I proceed with my redirect examination.

17 THE COURT: I don't know that the defense
18 disagrees that if they should abandon that defense
19 that you would be entitled to some notice, but I
20 don't understand the defense to be saying that they
21 are abandoning that defense.

22 ATTORNEY STRANG: The Court is right on
23 both counts. And this is, you know, I would like to
24 know too whether the State is abandoning the false
25 imprisonment charge, but until we at least get to

1 the point where the State rests its case-in-chief,
2 that's all premature.

3 And I understand Mr. Kratz's concerns.
4 I don't know that if we were abandoning any
5 defense that I would have done the same
6 cross-examination, or for that matter, that
7 Mr. Colborn would have been called on direct at
8 all.

9 ATTORNEY KRATZ: What I would, just as a
10 final point, Judge, I would ask then, that before
11 the State rests, before the State concludes its part
12 of the case, that we be allowed a hearing, that we
13 be allowed an opportunity on an admissibility
14 hearing, or to meet what at least has been presented
15 to this point.

16 We have heard about vials of blood. We
17 have heard -- the jury has at least heard,
18 substantially during the voir dire process, about
19 a vial of blood in the Clerk's Office. We don't
20 have, obviously, any results from the FBI at this
21 particular point yet. But if and when we do get
22 those, I know that there is some disagreement as
23 to what's rebuttal evidence and can rebuttal, or
24 reply evidence, be put in even in the State's
25 case-in-chief.

1 Because if the defense, technically,
2 wouldn't call one single witness and the State
3 relied upon the defense representation that they
4 intended to put this in and the defense changed
5 their mind, we would be precluded from meeting
6 the challenges, or at least meeting the
7 assertions that have been made up to this point.

8 So, perhaps more by way of prediction
9 between now and the close of the State's case, we
10 will be asking for a hearing on this very issue.
11 I don't intend to have this conversation again.
12 Mr. Strang is right, we'll wait to see how the
13 case plays out.

14 But prior to the State being precluded
15 from meeting this defense, or at least from
16 presenting evidence relevant to this particular
17 topic, and before the State rests, we will be
18 asking for a more extensive opportunity to be
19 heard, even if it's just in writing, Judge. We
20 will submit something, but we will need some kind
21 of a ruling before the State does rest its case.

22 THE COURT: All right. If I'm reading your
23 comments correctly, you are not asking the Court to
24 do anything at this point in time, but you are
25 indicating that you may be asking for relief of some

1 kind at the close of the -- or before the close of
2 the State's case, pending whatever action the
3 defense takes between now and then.

4 ATTORNEY KRATZ: This was the earliest
5 opportunity and, in fact, the first obvious
6 opportunity to have heard that kind of evidence.
7 Since I didn't hear it, I'm putting the Court and
8 defense on notice of our position.

9 THE COURT: Mr. Strang.

10 ATTORNEY STRANG: Fair enough. And I -- I
11 think I should, you know, in the spirit of the
12 disclosure that Mr. Kratz has struck, add joining
13 part of what -- part of what he said. I mean,
14 clearly, because about half, I think, of the blood
15 vial sample has been sent off to the FBI for
16 testing, and we expect testing is ongoing, clearly
17 there will have to be a hearing. Mr. Kratz may have
18 one type of hearing in mind; we have another.
19 Certainly a **Walstad** hearing and there are a variety
20 of other issues that may arise with the FBI testing.

21 We are no closer to being able to
22 conduct any independent testing or to have an
23 expert to meet and assess the FBI's testing, than
24 we were when we first addressed this issue. We
25 have received a protocol from the FBI, thanks to

1 Mr. Gahn for that; we got that, I don't know, at
2 the end of last week, I think.

3 And we'll be filing a motion addressing,
4 in writing, the issues that this testing and the
5 denial of defense opportunity for independent
6 testing or even for a reasonable chance to find
7 an expert to meet and help us assess, possibly
8 contradict the FBI test results. It raises a
9 whole field of fair trial and due process issues
10 here. I will address those in writing.

11 I hope to file that before the end of
12 this week. I expect the State would want a
13 chance to respond in writing and, you know,
14 whatever I see as heading, is the Court needing
15 to schedule, conceivably. I mean, on Wednesday,
16 gets FBI results and what they are, the Court
17 needing to set a fair amount of time aside to
18 address the whole cluster of issues surrounding
19 that FBI testing.

20 THE COURT: All right. Anything else
21 before we bring the jury back in and allow the State
22 to redirect?

23 ATTORNEY KRATZ: No. And Mr. Strang's
24 comments are certainly well stated and we actually
25 join that, Judge; we will need a day and whether

1 ATTORNEY STRANG: That's all I have.

2 THE COURT: All right. You are excused.

3 Mr. Kratz, the State may call its next witness.

4 ATTORNEY KRATZ: The State would call

5 Lieutenant James Lenk, then.

6 THE CLERK: Please raise your right hand.

7 **LIEUTENANT JAMES M. LENK**, called as a

8 witness herein, having been first duly sworn, was

9 examined and testified as follows:

10 THE CLERK: Please be seated. Please state

11 your name and spell your last name for the record.

12 THE WITNESS: James M. Lenk, L-e-n-k.

13 **DIRECT EXAMINATION**

14 BY ATTORNEY KRATZ:

15 Q. Mr. Lenk, how are you employed?

16 A. I'm employed with the Manitowoc County Sheriff's

17 Department.

18 Q. In what capacity, sir?

19 A. I'm a lieutenant of detectives.

20 Q. What are your duties as lieutenant?

21 A. To distribute work amongst the other detectives,

22 to supervise other detectives, also to take cases

23 myself.

24 Q. So, together with the supervisory responsibility,

25 you have an active case load; is that right?

1 A. That's correct.

2 Q. How long have you been a law enforcement officer?

3 A. Total of approximately 24 years.

4 Q. And where did your law enforcement career begin?

5 A. At the Detroit Police Department in Detroit,

6 Michigan.

7 Q. How long were you employed in Detroit?

8 A. Just over four years.

9 Q. After your -- By the way, what did you do with

10 the Detroit Police Department?

11 A. I started out at as a patrol officer. I worked

12 undercover, vice unit. And I also worked

13 juvenile investigations.

14 Q. All right. What was the next law enforcement

15 position that you held?

16 A. I worked for Michigan Bell, Corporate Security,

17 Michigan Bell Telephone.

18 Q. How long was that?

19 A. Approximately two to three years; I don't recall

20 specifically.

21 Q. All right. Thereafter, what did you do?

22 A. I moved to Wisconsin and applied for the

23 Manitowoc County Sheriff's Department.

24 Q. And were you successful in obtaining that

25 position?

1 A. Yes, I was.

2 Q. When did that start?

3 A. It started December, 1988.

4 Q. Tell the jury, if you would, what your
5 responsibilities first were with the Manitowoc
6 Sheriff's Department?

7 A. When I first got hired on the Manitowoc County
8 Sheriff's Department, I worked as a jail officer
9 for a year.

10 Q. Did you move from that to something else?

11 A. Yes, I moved from that to patrol officer.

12 Q. How long were you a patrol officer?

13 A. I was a patrol officer for a short period of time
14 and then I went to the Metro Drug Unit.

15 Q. How long were you with the drug unit?

16 A. Approximately a year and a half.

17 Q. Could you describe your progression, then,
18 through the Manitowoc Sheriff's Department?

19 A. After the Metro Drug Unit, I became a sergeant
20 and I was assigned to the jail division; that
21 lasted a couple months. Then I was reassigned to
22 the Patrol Division as a sergeant.

23 Q. At some point, did you move out of the patrol
24 status?

25 A. Yes, I did.

1 Q. And did you move into investigations or into the
2 Detective Bureau?
3 A. Yes, I did.
4 Q. When did that happen, do you recall?
5 A. That was in February of '98, I believe.
6 Q. All right. At some point, Lieutenant Lenk, did
7 you move into a supervisory capacity within the
8 Detective Bureau?
9 A. Yes, I did.
10 Q. When was that; do you recall?
11 A. That was May of 2003.
12 Q. Lieutenant Lenk, I'm going to direct your
13 attention to November 3rd of 2005, ask if you
14 were first employed in the same capacity that you
15 hold now, at that time?
16 A. Yes, sir.
17 Q. And as the lieutenant in the Detective Bureau,
18 were you made aware of a missing persons
19 investigation that Calumet County had begun?
20 A. Yes, I was.
21 Q. How were you made aware of that?
22 A. I received a phone call from Investigator Wiegert
23 asking for assistance on a missing female.
24 Q. Is that something you worked on yourself on the
25 3rd, or assigned other officers?

1 A. I actually assigned the work to the other
2 officers. I stayed in the headquarters building
3 and did miscellaneous follow-up and paperwork.
4 Q. You did what, I'm sorry?
5 A. Miscellaneous follow- up and paperwork.
6 Q. Regarding this case or just other work?
7 A. This case and other work.
8 Q. All right. Is there an individual from the
9 Detective Bureau that you assigned to lead the
10 Manitowoc part of this investigation?
11 A. Yes, it would have been Detective Remiker.
12 Q. And does he have a first name?
13 A. Dave.
14 Q. If you can assist the jury, Lieutenant Lenk, that
15 first day, that is, the first day of the missing
16 persons investigation, the 3rd of November, what
17 was it that your agency, that Manitowoc, was
18 asked to assist with?
19 A. We were asked to assist with the missing female,
20 Teresa Halbach, to assist the Calumet County
21 officer that was coming to our county, to go to a
22 couple locations. I believe at least one
23 location, to see if they could gain information
24 to her possible whereabouts.
25 Q. As supervisor within the Detective Bureau, did

1 you speak directly with Detective Remiker
2 regarding those assignments?

3 A. Yes, I did.

4 Q. And were you informed. Were you briefed, I think
5 is the term, by Detective Remiker, regarding his
6 findings that day?

7 A. Yes, I believe I was.

8 Q. Did you have any conversation, direct
9 conversation, with Calumet County that first day?

10 A. Not direct conversation. I talked to Investigator
11 Dedering, who was also the one that came over to
12 our county.

13 Q. All right. Anything else happen on the 3rd,
14 other than what you have described regarding
15 the -- Manitowoc's limited role that day?

16 A. No, sir.

17 Q. All right. On the 4th, that would be on Friday,
18 the 4th of November, did you personally become
19 involved in the Manitowoc County portion of this
20 investigation?

21 A. Yes, sir.

22 Q. Could you tell the jury how you became involved?

23 A. Again, I received a telephone call from
24 Investigator Wiegert requesting that we go out
25 and reinterview Steven Avery.

1 Q. And did you proceed to Mr. Avery's property that
2 day?

3 A. Yes, I did.

4 Q. Who did you go with?

5 A. Detective Dave Remiker.

6 Q. Now, Lieutenant Lenk, had you ever been to the
7 Avery Salvage Yard as of the 4th of November?

8 A. No, I hadn't.

9 Q. Did you know where you were going on the
10 property?

11 A. No.

12 Q. When you got to -- Or did you proceed to that
13 scene?

14 A. Yes.

15 Q. When you got to the scene, where did you and
16 Detective Remiker go?

17 A. We turned to the right on Avery Lane, I guess it
18 is, towards Steven's trailer.

19 Q. To assist in your testimony, I'm going to show
20 you a much referred to exhibit, it's Exhibit No.
21 86; do you recognize that exhibit?

22 A. Yes, I do, sir.

23 Q. What is that?

24 A. That's the Avery Salvage Yard.

25 Q. And when you and Detective Remiker got to this

1 location, tell the jury where you went. There's
2 a laser pointer, if you need it, just to your
3 right, if that would assist you.

4 A. We came in -- It's hard to tell the area here.
5 We came in this road and we turned to the right.

6 Q. Why did you turn right?

7 A. Habit, I guess, just turned to the right.

8 Q. All right. Tell the jury where you went, please.

9 A. We went down to the -- almost to the end of the
10 road and we exited the vehicle. Detective
11 Remiker went up to the house trailer to knock on
12 the door, with no response; after which he went
13 to, I believe, the Janda trailer, again, knocked
14 on the door, no response.

15 As we were getting ready to leave, there
16 was a golf cart coming down the lane towards us.

17 Q. And who was on the golf cart?

18 A. Steven Avery and his mother.

19 Q. Did you have occasion to make contact with both
20 Steven and his mother at that time?

21 A. We talked to Steven, yes.

22 Q. Upon speaking to Mr. Avery, did you and Detective
23 Remiker ask for an opportunity to look in the
24 inside of his trailer?

25 A. Yes. Detective Remiker asked permission to look

1 inside his trailer.

2 Q. And was that done?

3 A. Yes, it was.

4 Q. How long did that take?

5 A. Approximately five minutes.

6 Q. Mr. Avery cooperative during that entire process?

7 A. Yes, he was.

8 Q. As you think back to that specific time,
9 Lieutenant Lenk, do you have an independent
10 memory of your sense of whether Mr. Avery may
11 have been involved in Ms Halbach's disappearance?

12 A. My memory at that point was that I did not think
13 there was any involvement with Mr. Avery.

14 Q. So you, Lieutenant James Lenk, the head of the
15 Detective Bureau, on the 4th of November, didn't
16 even think Steve was involved; is that what you
17 are telling us?

18 A. That's correct.

19 Q. Let me ask you this, Lieutenant Lenk, with that
20 having been said, did you take any steps from
21 that point forward to either plant evidence or to
22 ensure that Mr. Avery would be falsely accused of
23 that homicide?

24 A. No, sir, I definitely did not.

25 Q. Is that something that you have ever done in your

1 law enforcement career?

2 A. No, sir, I have never planted any evidence at any
3 time.

4 Q. Would you ever do something like that?

5 A. No, sir, I would not.

6 Q. The next day, on Saturday, the 5th of November;
7 do you remember that day?

8 A. Yes, sir.

9 Q. What were you doing that day, if you recall?

10 A. I was with my wife over near Menasha, looking for
11 a trailer for camping.

12 Q. Do you remember getting a call that day?

13 A. Yes, sir. I believe it was a page, initially.

14 Q. Did you speak with somebody?

15 A. Yes, I did.

16 Q. Who was that?

17 A. Detective Remiker.

18 Q. After getting the call from Detective Remiker,
19 did that affect your activities that morning?

20 A. Yes, sir. We stopped looking for the trailer and
21 I advised my wife, I have to get back, I have to
22 go to work.

23 Q. What did you do then?

24 A. We left the trailer sales, started to head home.
25 We got to Oneida and 441, my wife insisted that I

1 get something to eat because she knew that I
2 wouldn't eat the rest of the day, so we stopped
3 at Wendy's.

4 Q. Was that your idea?

5 A. No, it was not.

6 Q. But you stopped any way?

7 A. Yes, sir.

8 Q. All right. Where did you go then?

9 A. After we had a quick lunch at Wendy's, I went
10 directly home. And then from home, I went to the
11 department, to pick up my vehicle and my
12 supplies.

13 Q. And when you talk about picking up a vehicle, can
14 you describe that vehicle for us, please.

15 A. It's an unmarked police vehicle owned by
16 Manitowoc County Sheriff's Department.

17 Q. What kind of supplies did you pick up at the
18 Sheriff's Department?

19 A. Briefcase with various papers in it, radio, that
20 type of thing.

21 Q. Okay. Where did you go then?

22 A. I went from there to the Avery Salvage Yard.

23 Q. And, again, that's Exhibit No. 86; is that right?

24 A. That's correct.

25 Q. As you sit here today, Lieutenant Lenk, do you

1 recall about what time you arrived at that scene?

2 A. It was just shortly after 2:00, 2:05, somewhere

3 in there.

4 Q. Now, when you got to the scene, the Avery salvage

5 scene, had there been any kind of log in or check

6 in procedure put in place yet?

7 A. I don't recall a log in at that point.

8 Q. All right.

9 A. I just don't recall.

10 Q. What did you do when you got to the scene?

11 A. I met with the officers that were at the scene,

12 some from Manitowoc County, some from Calumet

13 County.

14 Q. Where did you meet with them?

15 A. Right at the beginning of the roadway where the

16 command center would have been set up.

17 Q. Can you show us on the diagram -- or excuse me,

18 the photo?

19 A. Would have been right in this area.

20 Q. Be an area just to the south of what we now know

21 are the business buildings; is that right?

22 A. That's correct, sir.

23 Q. I'm sorry, the north of. When you got there

24 Lieutenant Lenk, were there other members of your

25 department already on scene?

1 A. Yes, there were.

2 Q. Do you remember who you met with or who you saw
3 at that time?

4 A. I know I talked to Deputy Inspector Schetter.
5 I'm not real sure who else was there from our
6 department that I talked with, quite a few
7 officers there.

8 Q. From a hierarchy standpoint, or who's the boss
9 kind of a standpoint, is Deputy Inspector
10 Schetter, or was he at the time, ahead of you or
11 on top of you, regarding authority or rank within
12 the department?

13 A. Yes, sir, he was.

14 Q. Do you recall, Lieutenant Lenk, being involved,
15 or overhearing discussions regarding who should
16 lead up this investigation?

17 A. I believe, by the time I got there, that they had
18 already decided that Calumet County would lead
19 the investigation.

20 Q. All right. Were there Calumet County officers on
21 scene?

22 A. Yes, sir, I believe there were.

23 Q. At some point later that afternoon, do you recall
24 other officials arriving at the scene, including
25 myself, with the signed search warrant?

1 A. Yes, sir, I do.

2 Q. After D.A.'s and lead investigators got to the
3 scene, were you asked to perform any duties at
4 that scene?

5 A. Yes, sir. We were asked to assist Calumet
6 County.

7 Q. From Manitowoc County, other than Deputy
8 Inspector Schetter, was there any individual of
9 higher rank than you at the scene?

10 A. I'm not sure. You mean from the sheriff's
11 department?

12 Q. Yes.

13 A. No, sir. I don't think so.

14 Q. All right. Now, looking at Exhibit No. 86 and
15 remembering back to that first late afternoon; do
16 you remember whether manpower issues were a
17 factor that afternoon?

18 A. Yes, sir, they were a factor.

19 Q. Could you describe that for the jury. What does
20 that mean?

21 A. That means that there was a very large area. The
22 search warrants were already obtained and there
23 was limited manpower to search that area.

24 Q. I'm sure most, if not all of these potential --
25 or these jurors have not been to a crime scene;

1 is this a typical crime scene by way of size or
2 scope?

3 A. No, sir, it's not.

4 Q. Can you describe better or explain that for the
5 jury, please.

6 A. Most crime scenes are a smaller area, either a
7 house or a small yard, or a room, this area was
8 immense.

9 Q. When you arrived, did you appreciate the size or
10 the scope of this effort?

11 A. Yes. I also got a further appreciation the more
12 I looked around the property.

13 Q. All right. What did you believe Manitowoc County
14 Sheriff's Department involvement was going to be
15 at that scene?

16 A. Our involvement was to be part of the search
17 team, basically extra eyes and hands to do the
18 searching.

19 Q. Are you familiar with the term evidence tech?

20 A. Yes, sir.

21 Q. What is that?

22 A. It's an individual on the police department, or
23 sheriff's department, that has had some training
24 in how to gather evidence and package evidence,
25 at a crime scene.

1 become involved?

2 A. No, sir.

3 Q. Did you even know when you got your assignments
4 -- and we'll be talking about a couple later that
5 week -- but did you know where you were going to
6 be assigned?

7 A. No, sir.

8 Q. Lieutenant Lenk, were you made aware that search
9 teams were being assembled?

10 A. Yes, sir.

11 Q. And was there anything unique about the law
12 enforcement officers that were being selected for
13 those search teams, if you know?

14 A. I don't know, specifically, other than that they
15 were to have a Calumet officer in charge of the
16 team.

17 Q. What I'm asking, though, is the other -- other
18 than a Calumet County lead person involved, the
19 others that were chosen to be on that team, did
20 they have any unique or similar quality about
21 them?

22 A. Yes, sir. They were requesting anyone that had
23 evidence technician experience.

24 Q. As a supervisor and as a long time law
25 enforcement officer, do you have an opinion as to

1 why that was being done?

2 A. My opinion is they wanted the best people that

3 they could get, at the scene, to do the

4 searching.

5 Q. All right. That first night, were you made a

6 part of one of those teams?

7 A. Yes, sir.

8 Q. Who was in charge or who was the lead officer in

9 your search team?

10 A. Sergeant Bill Tyson.

11 Q. Now, you are a lieutenant and he was a sergeant;

12 is that right?

13 A. That's correct, sir.

14 Q. Did you have any concern or problem with taking

15 directional orders from Sergeant Tyson?

16 A. No, sir.

17 Q. Did you believe at that time, or actually

18 throughout this entire investigation, that rank

19 had anything to do with who was calling the

20 shots?

21 A. No, sir, I did not.

22 Q. Tell the jury, if you recall, when that first

23 team was assembled, if there were particular

24 responsibilities that each officer had?

25 A. Each officer was assigned a certain area of

1 searching. It was done as a team, but each
2 officer was assigned a certain particular area of
3 a room, or living room, or kitchen, of an area
4 that he was responsible for, or a team of
5 officers would be responsible for.

6 Q. All right. Was there direction that your team
7 received about items of evidentiary value and who
8 should take them into custody or who should seize
9 them?

10 A. Yes, we were told that all evidence would be
11 collected by Calumet County officers. All
12 reports would be done by Calumet County officers.
13 And basically we were there just to assist in the
14 searching process.

15 Q. Let's talk about reports for a minute. Wouldn't
16 it be typical for each individual officer at a
17 scene like this to do their own reports?

18 A. Normally, yes.

19 Q. Are you saying this was different or you were
20 given different direction?

21 A. We were given different directions, yes.

22 Q. The first area that you were involved personally,
23 in searching on the 5th, was what?

24 A. Steven Avery's trailer.

25 Q. Can you tell us who the other members of your

1 search team were?

2 A. Sergeant Tyson, Sergeant Colborn and Detective
3 Remiker.

4 Q. The jury has already heard this a couple of times
5 so we're not going to go piece by piece, I'm sure
6 thankfully; but could you just tell us the rooms
7 that were searched by the search team, please.

8 A. The rooms that were searched would be the
9 southernmost bedroom, that would be Steven
10 Avery's bedroom; the hallway; the bathroom that
11 is next to the bedroom; next to the bathroom area
12 is a second bedroom that was searched; next to
13 the bath -- or the second bedroom is the living
14 room area; followed by the kitchenette area; and
15 the kitchen.

16 Q. I'm not sure my math is that great, Lieutenant,
17 but how long have you been a police officer, just
18 total number of years?

19 A. Around 24 year.

20 Q. In 24 years of law enforcement experience, have
21 you been involved in searches of residences and
22 property before?

23 A. Yes, I have.

24 Q. Are there different kinds of searches?

25 A. I'm not sure what you mean.

1 Q. Well, if a property, a residence, as an example,
2 is to be searched by you or another law
3 enforcement officer; are you familiar with the
4 detail in which some of those searches are
5 performed in?

6 A. Yes, sir.

7 Q. Was this first search of the Avery property
8 intended to be a thorough, tear the place apart,
9 type search?

10 A. No, sir, it was not. It was more of a general
11 search.

12 Q. All right. I guess that's my question, maybe
13 tell the jury what you believed a general search
14 was?

15 A. At that time, a general search was looking for
16 any obvious signs for the missing Teresa Halbach,
17 in that trailer. It's pretty generalized at that
18 point.

19 Q. Do you know about how long you guys took in that
20 trailer?

21 A. I believe it was around two and a half hours.

22 Q. All right. During that initial search, did you
23 notice any firearms in Mr. Avery's bedroom?

24 A. Yes, sir.

25 Q. Can you describe what you saw, please.

1 A. There was a gun rack above the head of the bed,
2 in the bedroom area. There were two firearms in
3 there. I believe one was a .22 and one was a
4 muzzleloader firearm.

5 Q. You said that you searched the entire trailer.
6 After that first search was complete, of Steven's
7 trailer, can you tell the jury what you did,
8 please.

9 A. After that search was completed, I think we ended
10 for the day.

11 Q. Was there some meeting or something that occurred
12 before you left?

13 A. Yes, there was a meeting at the command center.

14 Q. What's the purpose of that?

15 A. To discuss what had been done and what needs to
16 be done the next day.

17 Q. Lieutenant Lenk, any time on the 5th of November,
18 did you have any contact with Teresa Halbach's
19 SUV?

20 A. No, sir, I did not.

21 Q. Did you have any contact with her SUV on the 4th
22 of November, or the 3rd of November, or in fact
23 any time there before?

24 A. No, sir, I did not.

25 Q. Were you asked to return to the property the next

1 day, the 6th?

2 A. Yes, sir, I was.

3 Q. And can you describe for the jury what your
4 responsibilities were on the 6th, please.

5 A. On the 6th we met at the command center. We were
6 assigned to Deputy Kucharski. And I believe we
7 were to search the garage on Steven Avery's
8 portion of the property.

9 Q. Describe the kind of search that was, please.

10 A. Again, that was a general search for any
11 indications of Teresa Halbach.

12 Q. Where did you go after that?

13 A. I believe we went -- got -- either went back to
14 the command center or received information from
15 them for the next place to search.

16 Q. Do you remember how long you were in the garage,
17 roughly?

18 A. Maybe an hour, hour and a half, I'm not exactly
19 sure.

20 Q. Now, the question, Lieutenant Lenk, is searching
21 that garage for an hour, or an hour and a half,
22 do you believe that you found, or would have
23 found everything of any evidentiary value in that
24 garage?

25 A. At that time we thought we found everything that

1 was of evidentiary value, yes.

2 Q. All right. Do you remember the interior of that
3 garage, as you think back?

4 A. Yes, I do.

5 Q. Was there a lot of things in that garage?

6 A. Yes, sir, it was full of things.

7 Q. All right. Were you informed, Lieutenant Lenk,
8 of how long, that is, the estimated time that law
9 enforcement was going to keep control of this
10 scene? Did you know that first day?

11 A. No, I didn't know that first day.

12 Q. Did you know whether you were going to do
13 additional searches of either residences, or
14 garages, or outbuildings, or anything like that?

15 A. Yes, we planned on doing additional searches of
16 the buildings.

17 Q. Let me ask you, Lieutenant Lenk, on the 6th, that
18 is, on that Sunday, did you have occasion to
19 assist other officers in a search of the
20 defendant's sister's home, that's Barb Janda?

21 A. Yes, sir.

22 Q. Could you describe that search, generally, for
23 us, please.

24 A. That was, again, a general search looking for
25 items that might relate to Teresa Halbach.

1 Q. Do you remember Detective Remiker noticing and
2 investigating an answering machine at that time?

3 A. Yes, sir.

4 Q. Were you asked to return to Steve Avery's trailer
5 at all?

6 A. Yes, sir, I think we were.

7 Q. And do you remember the scope of that?

8 A. I believe we were asked to go back, as a team, to
9 collect the firearms, a vacuum cleaner and the
10 bedding, I believe, off the spare bedroom.

11 Q. Again, who was in charge of seizing and taking
12 control of the evidence on that day?

13 A. Calumet County officer Deputy Kucharski.

14 ATTORNEY KRATZ: I just have two other
15 points, Judge, and then I will recommend that we
16 quit for the day, but let me finish this day, if I
17 may.

18 Q. On the 6th, Lieutenant Lenk, were there other
19 buildings that you were asked to search?

20 A. Yes, sir, there were.

21 Q. What were those buildings?

22 A. There was a large business office area building,
23 I believe they called it the office. And we also
24 searched, I believe it was Mr. Chuck Avery's
25 residence.

1 Q. All right. And the same search team that is
2 headed by Kucharski was involved in those
3 searches as well?

4 A. Yes, sir.

5 Q. All right.

6 ATTORNEY KRATZ: I do recommend, Judge, and
7 this may be a good time to break for the day and
8 call this witness tomorrow morning.

9 THE COURT: All right. Members of the
10 jury, I will remind you, again, that you are not to
11 discuss this case at all and make sure you don't
12 watch any news accounts about the case this evening.
13 We'll see you tomorrow morning.

14 ATTORNEY STRANG: Your Honor?

15 THE COURT: Yes.

16 ATTORNEY STRANG: While we still have the
17 jury, I forgot to move in Exhibit 212, Sergeant
18 Colborn; 213 was only marked and need not be moved
19 in.

20 ATTORNEY KRATZ: No objection.

21 THE COURT: 212, you are asking for
22 admission?

23 ATTORNEY STRANG: Yes.

24 THE COURT: Court will admit 212. Very
25 well, you are excused for the day.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

(Jury not present.)

THE COURT: All right. Counsel, we'll see
you tomorrow morning.

ATTORNEY STRANG: 8:30?

THE COURT: Yes.

ATTORNEY KRATZ: Thank you, Judge.

(Proceedings concluded.)